

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

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**Report**

TO: Members of the Executive and Planning Committee

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SUBJECT: Trial Court Five-Year Capital Outlay Plan: Prioritization Criteria and  
Methodology for Ranking Proposed Projects

**Issue Statement**

The Trial Court Facilities Act of 2002 (Sen. Bill 1732 - Escutia) specifies the authority and responsibility of the Judicial Council for "...planning, construction, and acquisition..." of trial court facilities. In addition, the Council is to "[r]ecommand to the Governor and the Legislature the projects [that] shall be funded from the State Court Facilities Construction Fund." In support of this responsibility of the Council, the Office of Capital Planning, Design, and Construction of the Administrative Office of the Courts (AOC) is developing a five-year capital outlay plan for the trial courts.

To identify capital projects needed by the trial courts, the AOC engaged seven consulting firms to prepare master plans for trial court facilities in each of the 58 counties. To date, 23 master plans have been completed and the remaining plans are expected to be completed no later than September 2003. Each of the master plans defines a program of capital improvement projects including the types and amounts of space required, the time frame in which construction or renovation projects should be initiated and completed, and the estimated cost of each project.

In order to develop a statewide five-year trial court capital outlay plan, the projects in the 58 master plans must be prioritized and consolidated into a single plan. The AOC staff proposes that this process be reviewed and approved by the Council at three key steps as described in the next section.

### Recommendation

Staff of the AOC recommends that the Judicial Council, at the meetings listed, review and approve the five-year capital outlay plan as follows:

- August 2003 meeting – Review and approve the criteria, criteria measurement scales, and specific algorithm for developing a composite score to be used to prioritize projects.
- December 2003 meeting – Review and approve the prioritized list of specific projects developed using the methodology approved at the August meeting.
- February 2004 meeting – Review and approve the five-year capital outlay plan developed based on the list of specific projects approved at the December meeting.

### Rationale for Recommendation

The desired overall results of the three-part process outlined above are:

- Development of a five-year capital outlay plan for the trial courts
- Specific project allocations for FY 2005/2006
- Defensible logic to support funding requests
- Alignment of the plan with the vision of the Council
- Agreement within the court family regarding the process and results

The remainder of this section discusses the rationale and approach to be taken in developing the first presentation to the Council in August 2003. The presentation will cover the criteria, criteria measurement scales, and specific algorithm to be used to develop composite scores which will then be used to prioritize projects.

The objectives and general approach to the prioritization task are:

- Objective is to rank proposed projects in the 58 county court master plans.
- Ranking shall be based on a few, key, measurable criteria.
- Process shall be repeatable and consistent across the state.
- Criteria shall be consistent with Judicial Council objectives for the improvement of the courts.
- Focus of capital plan will be on the first five years.

The prioritization approach will focus on the relative merit of each project and to evaluate it based on its merit. The determinants of merit are:

- Criticality of a project's underlying *need*

- Consideration of a project's *benefit* to the court

Since the 58 master plans include significant input from the local court and court-related agencies, it is assumed that they represent optimum solutions for the local court's requirements over time. Therefore the underlying *need* for a project is given higher weight in the prioritization model over *benefits* which will be provided by the project.

The broad determinants of underlying *need*, in no particular order, are:

- Growth of JPEs – short term growth as determined by the Judicial Council's current approved list of 150 additional JPEs to be requested of the Legislature
- Building physical condition
- Building functional condition
- Courtroom condition
- Space shortfalls

The broad determinants of project's *benefits* are:

- Improved operational efficiencies
- Improved access to justice
- Cost effectiveness

The above determinants will be translated into criteria to be employed in the prioritization model. While outlining the criteria, the following objectives should be met:

- Limit the number of criteria to approximately 10 to 12 criteria
- Emphasize objective criteria
- Develop measurable scales for criteria
- Minimize use of subjective criteria
- Evaluate subjective criteria via checklists and yes/no questions

In addition to *needs* and *benefits* as determinants of a project's merit, some special considerations and differentiators are used as *filters* to sort out projects for overriding issues. The identified *filters* are:

- Growth
- Seismic condition
- Demonstration projects
- Master plan sequence

The steps in the prioritization model are as follows:

- Step 1 - Categorize and score project's underlying *need* (see detailed description of Step 1 below)
- Step 2 - Measure *benefits* to the court (see detailed description of Step 2 below)

- Step 3 - Compute overall project score
- Step 4 - Aggregate and sort projects by score in rank order for a preliminary ranking
- Step 5 - Examine and adjust projects ranking based on consideration of overriding issues or *filters* – growth, seismic issues, demonstration projects, local master plan sequence (see detailed description of Step 5 below)
- Step 6 - Final project ranking

Step 1: The measurement of the underlying *need* will use the updated facility assessment conducted by the master planners, based on their verification of the task force evaluation through site visits. The criteria recommended for use in evaluating the underlying need are:

- Building physical condition
  - Overall rating (adequate, marginal, deficient)
  - Life safety (code, major life safety issues)
  - ADA (major accessibility issues)
- Building functional condition
  - Overall rating (adequate, marginal, deficient)
  - Security (public, staff, in-custody defendants)
  - Quality of environment (public amenities, child care, image, service to public)
- Courtroom condition
  - Percent of deficient courtrooms (function and size)
- Space shortfalls
  - Administrative, support, jury, public
  - Percent of space available vs. required to Guidelines (crowding of staff/administrative areas)
- Systemic inefficiencies
  - Existing systemic inefficiencies corrected by the project

Each of the above criteria will be assigned a numerical measurement scale and a relative weight. In applying the criteria, every rating will require a comment explaining the rationale for the rating. Each project will be scored on each criteria. Summation of the scores will generate an overall need-score for the project.

Step 2: The process for measuring the potential *benefits* of a project to the court is inherently subjective, as the potential benefits will not be quantifiable within the scope of the prioritization process. Therefore, determinants of benefit will be quantified by means of structured questionnaires, using questions that can be answered by yes or no. The measures of potential benefits are:

- Improved operational efficiency for the court (flexibility for case-types, better adjacencies, optimum courthouse size, elimination of redundancy of sites and services)

- Improved operational efficiency for the system (fewer custody criminal court sites, optimum distribution of facilities)
- Improved access to justice (public transportation, serving under-served populations)
- Improved facility operational efficiency (energy, utilities, maintenance, sustainability)
- Capital cost effectiveness (percent of capital expenditure towards direct court operational improvement vs. indirect costs and costs not improving court operations)

Each *benefit* criterion listed above will be assigned a numerical measurement scale and a relative weight. In addition to the above benefit criteria, the process considers other differentiators that may add to or subtract from the overall benefit score as bonus points:

- Ability to expeditiously execute the project (readiness, potential environmental issues, site acquisition difficulty)
- Asset value or lease dollars recaptured
- Need for actions out of the state's control, such as funding or cooperation with other agencies or units of government

A project will be scored on each *benefit* criterion. Summation of the scores will generate an overall benefit-score for the project. A combination of the need-score and the benefit-score will give an overall score for the project, facilitating a preliminary rank order of projects.

Step 5: The final step in developing the ranking of projects is the application of special filters applied to allow for special consideration of key issues that may influence the rank order of projects:

- Growth of JPEs (based on Judicial Council's approved list of requested judicial positions)
- Demonstration projects (cross-jurisdictional partnerships; design excellence; exemplary support of Judicial Council initiatives; innovation in providing services and case-management)
- Seismic issues (identified risk-level and urgency of need for repair)
- Reconciliation of ranking (with the assigned sequence of projects and priority within each county's master plan)

These filters are applied to move projects up or down in the ranking due to these issues. The adjusted sequence of projects after this adjustment generates the final ranking for projects.

#### Alternative Actions Considered

None

### Comments from Interested Parties

The preparation of the master plans for each court was directed by a steering committee. The steering committee consisted of the presiding judge and court executive officer (or their designees) and, to the extent they desired to participate, court-related county agencies (i.e., county administration, public defender, district attorney, probation, and sheriff). Projects and implementation sequence within the 20-year master planning framework were selected by the local courts in consultation with the master planning consultants. The plans were not generally circulated for comment outside of the steering committees.

The master plans used projections of future judicial resources which were based on the judicial needs assessment methodology approved by the Judicial Council in August 2001. As part of the development of the new methodology, input from 11 courts which participated in the project was considered.

A presentation covering the material presented above under *Rationale* was made on June 12 to a plenary session of the Presiding Judge and Court Executive Officer Conference.

### Implementation Requirements and Costs

Development of the trial court capital outlay plan is being done by AOC staff with the assistance of an outside consultant, Jacobs Facilities.